
ROMANNOBRIDGE FLOOD PROTECTION SCHEME 2020

CONFIRMATION OF THE SCHEME UNDER THE FLOOD RISK MANAGEMENT (SCOTLAND) ACT 2009

Report by Service Director Assets and Infrastructure

SCOTTISH BORDERS COUNCIL

27 AUGUST 2020

1 PURPOSE AND SUMMARY

- 1.1 This report proposes that the Council approves the recommendation to confirm the proposed Romannobridge Flood Protection Scheme 2020. It also seeks authorisation to allow the Council to commence the construction stages of the project.**
- 1.2 As part of the Scheme approval process it was required to give notice of the Scheme in accordance with paragraph 1 of schedule 2 of the Flood Risk Management (Scotland) 2009 Act. The notice was first published on 7 February 2020.
- 1.3 Any person is entitled to object to the Scheme in accordance with paragraph 3 of schedule 2 of the 2009 Act. The formal 28 day objection period began on the date the notice was first published and concluded on 6 March 2020.
- 1.4 There were no objections to the proposed Scheme therefore the Council must now make a decision to confirm or reject the Scheme in accordance with paragraph 4 (1) of schedule 2 of the 2009 Act.
- 1.5 Once the decision has been made the Council will publish notice of that decision in accordance with the paragraph 10 of the 2009 Act. The Scheme will become operative 6 weeks after notice is published unless an appeal is made.

2 RECOMMENDATIONS

- 2.1 **It is recommended that the Council:-**
 - (a) Make the decision to confirm the proposed Romannobridge Flood Protection Scheme 2020.**
 - (b) Authorise the Service Director of Assets and Infrastructure to commence with the construction stages of the project.**

3 BACKGROUND

- 3.1 Frequent flooding occurs in the Western area of Romannobridge, around Romanno Mill and what is commonly called "The Caravan Site". This is generally associated with the Lyne Water. See location plan in Annex A. The most notable recent flood events have occurred in 2012 and 2015/16, with multiple flash flood events occurring within a short space of time in each case.
- 3.2 Following this recent flooding, hydrological and hydraulic modelling assessments were carried out in 2017/18 on the watercourses affecting Romanno Bridge; the Dead Burn, the Longstruther Burn and the Lyne Water to support the assessment of flood risk and development of flood protection options. This concluded that a 1 in 30 year standard of protection can feasibly be achieved in line with SBC's project objectives.
- 3.3 A high-level option appraisal of flood protection solutions was carried out, alongside a review of a previous flood study by SBC in 2002.
- 3.4 A baseline damage assessment and cost estimate was carried out. The results of which indicated that the proposed Preferred Scheme will provide a positive benefit-cost ratio and as such the proposals are an economically worthwhile investment for SBC.
- 3.5 It was concluded that a Flood Protection Scheme comprising three main elements offers a feasible, economically viable solution: these comprise an embankment adjacent to the Lyne Water, kerb raising / footpath reconfiguration along the A701 and the removal of soil/debris at the bridge arch of the old Romanno Bridge. The kerb raising also has the added benefit of an increased level of protection to the A701.
- 3.6 The preferred Flood Protection Scheme will require substantial works on private land, as such it was decided that the works should be progressed as a formal Flood Protection Scheme through the Flood Risk Management (Scotland) Act 2009, as this gives all involved surety of process and will ensure the proposed flood scheme has legal protection in years to come.

4 PROGRESS

- 4.1 Under Schedule 2 of the 2009 Act; the associated 2010 Regulations; and updated 2017 regulations, public notification and public inspection of the scheme proposal is required. This process concluded on 6 March 2020 with no objections.
- 4.2 As part of this process, all residents in the area were consulted, in addition the following organisations were consulted; SEPA, Scottish Natural Heritage, River Tweed Commission, Tweed Foundation, Scottish Water, Lamancha, Newlands and Kirkurd Community Council and all relevant internal SBC departments.
- 4.3 Consultants were employed by the Council and they completed outline design prior to public consultation in February 2020 and this was not altered post-consultation. Detailed design work has subsequently been completed.

- 4.4 The following aspects have also been progressed; Permission has been gained from the landowner for use of the land for the purposes of the Romannobridge FPS 2020; a Preliminary Ecological Assessment has been undertaken with no issues arising; ground investigations were undertaken and water main diversion design was completed in January 2020. It is also proposed to use the Council's in house contractor, SBc Contracts to undertake the actual construction work.

5 STATUTORY APPROVAL PROCESS

- 5.1 The Statutory Approvals process consists of a number of processes through which the Scheme has to pass before it can obtain the legal powers to allow for the delivery of the works.

5.1.1 **The Scheme Approval:** under the 2009 Act; and the Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Districts) (Scotland) Regulations 2010 (2010 Regulations); and updated 2017 Regulations

5.1.2 **Deemed Planning Permission:** under the 2009 Act; the 2010 Regulations; and section 57 of the Town and Country Planning (Scotland) Act 1997; and

5.1.3 **The CAR Licences:** under the Water Environment (Controlled Activities) (Scotland) Act 2011, also known as CAR.

5.1.4 **Environmental Impact Assessment:** under Schedule 2 of Town and Country Planning (Environmental Impact Assessment (Scotland) Regulations 2017.

5.2 The Scheme Approval

5.2.1 Under Schedule 2 of the 2009 Act; and the associated 2010 and 2017 Regulations, public notification, public inspection of the scheme proposal and an objection period of 28 days is required. This process has been undertaken and was concluded on 6th March 2020. No objections were received.

5.2.2 As no objections were received, the Council must make a formal decision to confirm or reject the proposed Scheme as detailed in paragraph 4 of schedule 2 of the 2009 Act. This is the current position and this report requests that the Council make that decision. This process is fully detailed in section 6 of this report.

5.3 Deemed Planning Permission

5.3.1 As the project costs are estimated to be below £250,000, Scottish Borders Council Planning Department did not require the submission of a planning application and the proposed scheme is considered to be Permitted Development under the provisions of Class 33 of the GPDO.

5.3.2 Scottish Government have confirmed that they do not require any application for deemed planning as SBC consider this to be Permitted Development under the provision of Class 33 of the GDPO.

5.4 CAR Licence

5.4.1 No CAR Licence is required as there are no works within any watercourse.

5.5 Environmental Impact Assessment

5.5.1 No Environmental Impact Assessment required under Schedule 2 of Town and Country Planning (Environmental Impact Assessment (Scotland) Regulations 2017 as the site area is below 1 hectare. As part of option appraisal, a stakeholder engagement meeting was held as a screening process, this included SEPA, Scottish Natural Heritage and Scottish Water. These stakeholders were also consulted as part of the objection period between 7th February and 6th March 2020.

6 MAKING A DECISION WHERE NO VALID OBJECTIONS RECEIVED

6.1 The process through which the Scheme is being approved is contained within the 2009 Act and its associated 2010 and 2017 Regulations.

6.2 As no valid objections have been received during the 28 day objection period, the local authority must make a 'decision where no valid objections are received' in accordance with paragraph 4 (1) of section 2 of the 2009 Act.

6.3 The following is a direct copy of paragraph 4 (1) of schedule 2 of the 2009 Act:

4 (1) Where, in relation to a proposed flood protection scheme, the local authority receives no valid objections the local authority must, after the expiry of the period referred to in paragraph 3(2)(c), either –

(a) confirm the proposed scheme, or

(b) reject the proposed scheme.

7 IMPLICATIONS

7.1 Financial

(a) Funding for the implementation of this project is included in the current capital plan.

(b) The overall cost of the proposed scheme is estimated to be approximately £145,000 with the actual construction works estimated at around £100,000. £43,500 has already been spent during the preparation and design stages. See Spend Profile below:

	17/18	18/19	19/20	20/21
Budget (£000's)	17	2.5	18	152
Spend to Date (£000's)	17	2.5	18	6

(c) There is an allocation of £152,000 within the Flood and Coastal Protection Capital Plan 2020-21 to take these works forward. Any monies remaining will be relocated within the flood block.

7.2 Benefits

The scheme will provide the following benefits:

- Reduced flood risk to properties in Romannobridge and the provision of a 1 in 30 year level of protection to all of the properties / businesses in the West side of the village.
- The potential for serious harm to individuals will be reduced;

There are also many other potential social benefits which are difficult to quantify including the reduction in stress associated with living in an area that floods and the associated improvement in health due to the removal of that stress.

7.3 Risk and Mitigations

Floods can occur at any time and there is a risk that a flood event occurs before the proposed works are implemented. If a flood does occur, the lowest lying properties are expected to be flooded to some extent. This risk can be mitigated to an extent, but not removed, by the following:

- Progressing with flood protection works as quickly and efficiently as possible;
- Continued monitoring of the watercourse and site;
- Undertaking community engagement and promoting flood awareness; and
- Providing assistance to help those at risk to be prepared for a flood event.

7.4 Integrated Impact Assessment

An integrated impact assessment has been completed. This project is an approved capital project, involving groundworks on private land to reduce flood risk to properties in Romannobridge. There is a negligible potential for negative impacts on equality, poverty, health and socio-economic disadvantage.

It is anticipated that this work will produce benefits with regards to health and socio-economic disadvantage by reducing the impacts of flooding including the flood risk to property and the potential health impacts caused due to stress.

7.5 Acting Sustainably

This scheme shall increase the flood risk protection in Romannobridge to a 1 in 30 year protection level. This will reduce the economic and social impacts of flooding in the village.

Scottish Environment Protection Agency (SEPA), Scottish Natural Heritage, Tweed Foundation and internal Scottish Borders Council departments have been consulted and there were no objections to the works.

7.6 Carbon Management

There will be limited carbon emissions as part of this scheme. Machinery will be required for the main works. SBc Contracts are based within the Scottish Borders and this will reduce the travel time of staff and machinery to site.

7.7 Rural Proofing

N/A

7.8 Changes to Scheme of Administration or Scheme of Delegation

There are no changes required to either the Scheme of Administration or the Scheme of Delegation as a result of the proposals in this report.

8 CONSULTATION

- 8.1 The Executive Director (Finance & Regulatory), the Chief Legal Officer, the Chief Officer Audit and Risk, the Service Director HR & Communications, the Clerk to the Council and Corporate Communications have been consulted and any comments received have been incorporated into this report.
- 8.2 As detailed in Section 4.1, a statutory consultation process was concluded on 6 March 2020. This included consultation with members of the public, SEPA, Scottish Natural Heritage, River Tweed Commission, Tweed Foundation, Scottish Water, Lamancha, Newlands and Kirkurd Community Council and key officers within the following Scottish Borders Council departments; Ecology, Natural Heritage, Planning, Landscape Architecture, Archaeology and Neighbourhood Services.
- 8.3 Extensive public consultation has also taken place, with a community meeting in April 2018 to introduce the preferred options. Design drawings of the proposed final scheme were posted to all residents in close proximity of the works in February 2020 as part of the consultation process.

Approved by

Martin Joyce

Service Director Assets & Infrastructure Signature

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Background Papers: None

Previous Minute Reference: None

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Duncan Morrison can also give information on other language translations as well as providing additional copies.

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Romannobridge Flood Protection Scheme Location Plan

